

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ARTHUR MARES, #1002416

§

VS.

§

CIVIL ACTION NO. 6:11cv115

LT. DEAN, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Arthur Mares, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit.

The Plaintiff alleged in the original complaint that he was not permitted to meet with another inmate to help him with his legal affairs. He added that he had to resort to preparing his legal work by himself. The Fifth Circuit rejected such claims as follows:

The complaint about the denial of meaningful access to the courts by the denial of face-to-face meetings with other prisoners is patently frivolous. The relevant “legal-type” assistance needed does not require such meetings although they typically might be of value. *See Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d (1977); *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974).

*Beck v. Lynaugh*, 842 F.2d 759, 762 (5th Cir. 1988). The Fifth Circuit’s opinion is binding authority, thus the Plaintiff’s lawsuit is equally frivolous. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the lawsuit is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1). It is further

**ORDERED** that all other motions by either party not previously ruled on are **DENIED**.

Finally, the Plaintiff is hereby informed that the decision dismissing the civil rights lawsuit as frivolous counts as a strike for purposes of § 1915(g). He is cautioned that once he accumulates three strikes, he may not proceed IFP either in any civil action or in any appeal of a civil action which is filed while he is incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury.

**So ORDERED and SIGNED this 7th day of June, 2011.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**